

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Plaintiff

v.

HOMELAND SECURITY, *et al.*,

Defendants

Case No. 2:21-cv-01638-JAD-DJA

ORDER

I. DISCUSSION

On September 3, 2021, Plaintiff, an inmate currently located at Southern Nevada Adult Mental Health Services, submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has not submitted a complaint in compliance with Local Special Rule 2-1 or an application to proceed *in forma pauperis* or paid the full \$402 filing fee in this matter.

Complaint

The Court notes that Plaintiff's document at ECF No. 1-1 does not comply with Local Special Rule 2-1 ("LSR 2-1"). Under LSR 2-1, a civil rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by the court or must be legible and contain substantially all the information called for by the court's form. As such, the Court grants Plaintiff a **one-time** extension until on or before **November 15, 2021** to submit complaint to the Court in compliance with LSR 2-1. The Court will also provide Plaintiff a copy of the Court's § 1983 complaint form with instructions.

Application to Proceed in Forma Pauperis

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** extension to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **November 15, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing fee on or before **November 15, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff has all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **November 15, 2021** to proceed with this case.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a copy of his original document at ECF No. 1-1.

IT IS FURTHER ORDERED that Plaintiff will have until on or before **November 15, 2021** to submit complaint to the Court in compliance with LSR 2-1.

IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint in compliance

1 with LSR 2-1 on or before **November 15, 2021**, this case will be subject to dismissal
2 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
3 when Plaintiff is able to file a complaint in compliance with LSR 2-1.

4 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
5 approved form application to proceed *in forma pauperis* by an inmate, as well as the
6 document entitled information and instructions for filing an *in forma pauperis* application.

7 IT IS FURTHER ORDERED that on or before **November 15, 2021**, Plaintiff will
8 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and
9 the \$52 administrative fee) or file with the Court:

10 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
11 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
12 signatures on page 3),

13 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
14 official (i.e. page 4 of this Court's approved form), and

15 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
16 **previous six-month period.**

17 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
18 application to proceed *in forma pauperis* with all three documents or pay the full \$402
19 filing fee for a civil action on or before **November 15, 2021**, this case will be subject to
20 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
21 number, when Plaintiff has all three documents needed to file a complete application to
22 proceed *in forma pauperis* or pays the full \$402 filing fee.

23 DATED: September 17, 2021

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26 UNITED STATES MAGISTRATE JUDGE
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